

## Mark Persico

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**From:** Mary Parsell [mfp2001@hotmail.com]  
**Sent:** Wednesday, July 06, 2011 2:49 PM  
**To:** Mark Persico  
**Cc:** chuck posner; Sam Schuchat; Joan Cardelina Inter. Exe. Officer LCWA  
**Subject:** EIR Comments DWP Specific Plan

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July 4, 2011

To be included in the comments for the EIR for the property known as the "DWP Specific Plan" now owned by Bay City Partners.

I wanted to be sure that this letter is included in the record regarding the residential project proposed for this property. As stated in my comments on June 13, 2011 before the Seal Beach City Council, we see no comment or input from US Fish and Wildlife Service, Army Corps of Engineers for Section 404 of Clean Water Act, California Dept. of Fish and Game, California Coastal Commission or other resource agencies. As also stated, the California Coastal Conservancy considered this property a valuable coastal resource and we recall that it was on the list of priorities for acquisition.

On behalf of El Dorado Audubon Society, a California Chapter of the National Audubon Society

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From: mfp2001@hotmail.com  
To: mpersico@sealbeachca.gov; mpersico@ci.seal-beach.ca.us  
Subject: DWP Specific Plan  
Date: Mon, 13 Jun 2011 13:44:39 -0700

El Dorado Audubon  
California Chapter of The National Audubon Society  
Long Beach, Seal Beach and surrounding communities

June 13, 2011

City of Seal Beach  
211 8th Street  
Seal Beach, CA 90740

Att:  
Mark Persico, AICP, Director of Development Services  
(562) 431-2527

RE: Dept. of Water and Power Specific Plan Amendment, Initial Study, June 2011  
Project Location: The project site is generally bounded by Marina Drive to the north, 1st Street to the east, the Rivers End Cafe/beach parking lot to the south, and the San Gabriel River to the west.

7/6/2011

We are concerned with open space (70% in current plan), impact on wetlands per California Coastal Act and Section 404 of the Clean Water Act, impact on migratory wildlife corridors, and impacts on species Department of Fish and Game and US Fish and Wildlife Service (see below).

#### Open Space

"The proposed project includes approximately 6.4 acres of open space/parkland, in addition to the residential uses discussed above. The DWP Specific Plan Amendment would revise the open space area from 70 percent to 60 percent within the Specific Plan. Proposed park uses would include, but not be limited to, natural areas with trails, passive turf areas, and neighborhood-serving play areas (e.g., tot lots)."

*Due to the value and sensitivity of our coastal Resources: We do not support the change from 70% to 60% of open space (requires Specific Plan Amendment). Also, questions have been raised that this is really a change from 70% to 50%.*

California Coastal Commission:  
Coastal Development Permit required

*We support open space (30% and visitor serving use, hotel, (70%) as specified in existing plan. Preference given to 100% open space due to location next to the San Gabriel River and the ocean.*

"Coordination with other agencies and adjacent jurisdictions referenced in this document may also be required, including, but not limited to:  
City of Long Beach;  
Los Angeles County Flood Control District; and  
California Department of Transportation."

There is no documentation from California Dept. of Fish and Game, US Fish and Wildlife Service, US Army Corps of Engineers and other agencies with jurisdiction over biological resources

*Potentially Significant Impacts have not been studied as follows:*

**"d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?"**

#### **Potentially Significant Impact.**

There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (i.e., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Light introduction can be a nuisance to adjacent uses, diminish the view of the clear night sky and, if uncontrolled, can disturb wildlife in natural habitat areas. Lighting associated with non-residential uses may

cause spillover impacts to nearby sensitive receptors. No light sources currently exist at the project site (other than the residential unit located at the northwestern corner of the project site). Short-term light and glare impacts associated with construction activities would likely be limited to nighttime lighting (for security purposes) in the evening hours. In accordance with Title 7 of the Municipal Code, *Public Peace, Morals and Welfare*, the project's construction activities would be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on Saturday. Construction activities are also prohibited on Sundays. Further review is necessary to confirm whether potential construction-related lighting would create a new source of substantial light or glare in the project area.

The project would result in the future development of residential uses and park/open space uses. The future uses would include street lighting, security lighting, and lighting associated with the interior of structures. These new light sources would create nighttime lighting and glare in the project area. Thus, further review is necessary.

#### 4.4 BIOLOGICAL RESOURCES

***a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

***Potentially Significant Impact.***

The project site consists primarily of vacant land. The potential exists for candidate, sensitive, or special status species to be located within the boundaries of the project site.

Further review is necessary to confirm the project's potential impacts to candidate, sensitive, and special status species.

***b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

***Potentially Significant Impact.***

While no known riparian habitat is present on-site, based on the property

's proximity to the San Gabriel River and coastline, there is a potential for sensitive natural

communities to occur on-site.

Further review is necessary to confirm the project's potential impacts in this regard.

***c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Potentially Significant Impact.***

Currently, the site is undeveloped (with the exception of one residential structure), and may have the potential to contain wetlands, as defined by the Army Corps of Engineers (ACOE) and California Coastal Commission (CCC). Further review is necessary to confirm the project's potential impacts to Federally protected wetlands.

***d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Potentially Significant Impact.***

The potential for the project to interfere with movement of species or to affect migratory wildlife corridors requires further review.

Sincerely,

Mary Parsell  
1st VP & Conservation Chair, El Dorado Audubon Society  
Celebration 43 years of Conservation, Education and Citizen Science

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